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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

NORTHWEST CENTER FOR
ALTERNATIVES TO PESTICIDES,
WILLAMETTE RIVERKEEPER,
CASCADIA WILDLANDS, NEIGHBORS
FOR CLEAN AIR, AND 350PDX,

No. 3:20-cv-01816

**STANDING DECLARATION OF
INDIGO NAMKOONG**

vs.

Plaintiffs,

U.S. DEPARTMENT OF HOMELAND
SECURITY; CHAD WOLF, in his capacity
as Acting Secretary, U.S. Department of
Homeland Security,

Defendants.

I, Indigo Namkoong, declare as follows:

1. I have been a member and supporter of 350PDX since April of 2020 and have regularly volunteered and collaborated with 350PDX staff and other members since speaking at the 350PDX Earth Day Virtual Rally on April 22, 2020.

2. 350PDX is a grassroots, volunteer-led organization working on advancing climate justice, divestment of fossil fuels, and disrupting the status quo of corporate-owned energy systems. We advocate for racial justice, indigenous sovereignty, immigrant justice, and global solidarity as a means to advance a Just Transition away from the use of fossil fuels to curb climate change.

3. I reside in Multnomah County, Oregon, and I also work as the Coalition Manager for 350PDX here in Portland, Oregon. Prior to joining 350PDX, I served as the Partnerships Coordinator with Sunrise Movement PDX, building relationships with other groups and movements for social and environmental justice in the Portland metro area.

4. I have participated in protests, rallies, and other forms of political protest in the Pacific Northwest and Portland for 6 years.

5. Beginning on May 29th, 2020, in the wake of George Floyd's death, I participated in several protests supporting the movement for Black Lives Matter (“BLM”) and social & environmental justice, with fellow 350PDX activists and supporters as well as with friends and members of Sunrise PDX.

6. I also volunteered my time and organized donations during this time for mutual aid causes to be able to provide personal protective equipment (“PPE”) and facemasks for fellow 350PDX activists and community partners to safely participate in the protests.

7. On July 11th, 2020 I arrived downtown at Lownsdale Square at approximately 10:45 PM. I remained in the Square until 12:25 AM, when federal officers stationed on the west side of the Mark O. Hatfield Federal Courthouse shot several canisters of noxious gas into the Square. The clouds were thick enough that I couldn't see through them. While I was wearing a respirator and outside the thickest part of the gas, I could feel it leaking into my goggles and stinging my eyes and skin. After retreating to the west side of the Square along SW 4th Ave, I removed my respirator to take a drink of water. I immediately began to cough and felt my throat fill with mucus, even though all visible signs of gas had disappeared. I was exposed to two more rounds of heavy tear gas shot by federal officers between 1:00 AM and 2:00 AM that night, before returning home.

8. After I had inhaled the tear gas I experienced a sore throat, stomach cramps, loss of appetite, and diarrhea for the next 24 hours.

9. On July 22, 2020 at 7:30 AM, I was downtown in Lownsdale Square volunteering to clean up mutual aid medical supplies and food that had been pepper sprayed by federal agents earlier that morning. There were no protests going on at this time. I spent about 2 hours cleaning up; throughout this time I found that walking and kneeling in the park stirred up residue from tear gas, even in areas that hadn't been pepper sprayed a few hours earlier. The residual tear gas I was exposed to was intense enough that I experienced an upset stomach and loss of appetite for the entire rest of the day.

10. On July 25th, 2020 I attended another protest at the Mark O. Hatfield Federal Courthouse. I arrived at the Federal Courthouse around 9:30 PM and met up with some friends who were marching from NE Portland when they arrived downtown just after 11 PM. At approximately 11:20 PM, the first rounds of tear gas I saw were fired at SW 2nd and Salmon. I was standing in the NE corner of Lownsdale Square, about 100 feet from where the canisters landed. I then approached the fence in front of the Courthouse. Just before 1 AM on July 26th, another volley of tear gas was shot down at us at the fence line. I used my umbrella to cover the heads of other protestors who were using leafblowers to disperse the gas. Between 1:10 and 1:30 AM, I was standing in a consistent heavy cloud of gas from munitions shot by federal

officers. I could not see farther than 10 or 15 feet through the gas for most of this time. Even thorough I was wearing an N95 mask, I felt my respirator filters begin to fail and the gas reached my lungs within a few minutes. Whatever I was inhaling burned intensely going down my throat and into my lungs. It felt different and more painful than any tear gas I'd experienced; In fact, I'd never experienced gas that overwhelmed my respirator. Federal officers continued to shoot canisters over our heads, so I remained in the clouds, covering other protestors' heads with an umbrella, for approximately 10 minutes after my filters gave out before retreating as federal officers pushed the crowd west.

11. After being exposed to gas munitions on this occasion, for the entirety of July 26th, I felt like I had the worst hangover of my life. I was exhausted, dizzy, had no appetite, and was nauseous for most of the day. I didn't throw up, but felt like I might. The two days after that, July 27th and 28th, I felt even worse. I felt weak and short of breath, and got dizzy when I tried to stand up too quickly or go down the stairs in my apartment. I could barely eat or drink water. I felt like I couldn't think clearly for 48 hours and was extremely fatigued. It was only on the 29th that I began to feel better and could eat and drink more normally, but the brain fog lingered for weeks. Since that night, I've intermittently experienced respiratory issues, and feel as if I am out of breath or my throat is swollen. A short walk uphill winds me, and it's been even worse since the wildfires. I've also been losing hair at a higher rate than usual; I see large amounts collect in my shower drain every week and lose a small handful each time I shower. None of these problems were present or noticeable before the end of July.

12. As an environmentalist and an activist that partakes in democratic actions and free speech, I feel that the profuse and consistent use of noxious chemicals is harmful to the air, waterways, environment, and human health. I worry about the harm that is being done to the surrounding environment every time chemical irritants like that are deployed.

13. Due to my experiences, I fear for the health and safety of myself, my friends, and other activists for future protests that I plan to partake in. I also fear for the health and safety of those who live in homes and outdoor spaces close to protest sites, many of whom have no

warning, no protective equipment, and no ability to leave when chemical munitions are deployed.

14. I believe that the lack of information and analysis by the federal government about the repeated use of tear gas and other aerosols created conditions in which numerous adverse health impacts to the environment and human health, including my own, were able to occur.

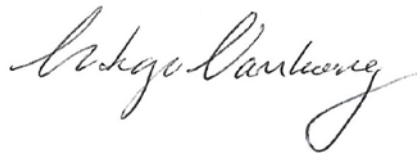
15. If the federal government completes a NEPA analysis of the use of tear gas and other crowd control weapons on human health and the environment, and makes that information available to the public for review and comment, I would have an opportunity to directly inform them of the negative and adverse impacts I have suffered. I believe they may make better, more informed choices about their use of such weapons if they fully understood the harmful health impacts inflicted upon the general public.

16. If a NEPA analysis is completed, I believe the government may think twice before deploying these gases with such regularity, and in such quantities that myself, my friends and loved ones, and the natural environment have recently experienced. They may perhaps choose to not deploy them at all.

17. I have definite plans to continue to engage in protests for social and environmental justice in Portland and throughout the state.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of October, 2020.

A handwritten signature in black ink, appearing to read "Indigo Namkoong", written in a cursive style.

Indigo Namkoong